



राजपत्र, हिमाचल प्रदेश (असाधारण)

हिमाचल प्रदेश राज्यशासन द्वारा प्रकाशित

शिमला, वीरवार, 18 अप्रैल, 1974/ 28 चैत्र, 1896

GOVERNMENT OF HIMACHAL PRADESH EXCISE AND TAXATION DEPARTMENT NOTIFICATION

Simla-2, the 20th March, 1974

No. 19-37/E&T (Sectt).—In exercise of the power conferred by proviso to Article 309 of the Constitution of India, the Governor, Himachal Pradesh, is pleased to make the following rules in regard to the following matter, namely;—

- (i) the method of recruitment to the Himachal Pradesh Excise and Taxation Department Class III (Ministerial—Other than Superintendent and Head Assistants) Service;
- (ii) the qualifications necessary for appointment to the said service and posts; and
- (iii) the conditions of service of persons appointed to the said service and posts for the purpose of probation, confirmation, seniority and promotion, etc.

RECRUITMENT RULES

PART I—GENERAL

Short title
and com-
mencement.

1. (a) These rules may be called the Himachal Pradesh Excise and Taxation Department Class III (Ministerial—Other than Superintendent and Head Assistants Service) (Recruitment and certain Conditions of Service) Rules, 1974.

(b) They shall come into force from the date of their publication in the official Gazette.

Definitions.

2. In these rules, unless there is anything repugnant in the subject or context;—

- (a) “direct appointment” means an appointment made otherwise than by promotion from amongst the members of the service or by transfer of an official already in the service of the Government;
- (b) “service” means the Himachal Pradesh Excise and Taxation Department Class III (Ministerial—Other than Superintendent and Head Assistants) Service;
- (c) “government” means the Himachal Pradesh Government;
- (d) “member” means a member of the Himachal Pradesh Excise and Taxation Department Class III (Ministerial—Other than Superintendent and Head Assistants) Service;
- (e) “recognised University” means any University incorporated by law in India;
- (f) “scheduled castes” means the caste, races or tribes or parts of groups within castes, races or tribes specified in the Schedule to the Constitution of India (Scheduled Castes) Order, 1950 as amended by section 19(1) read with the First Schedule of the State of Himachal Pradesh Act, 1970 (53 of 1970) and as it may further be amended from time to time;
- (g) “scheduled tribes” means the tribes, tribal communities or parts of groups within tribes or tribal communities specified in the Schedule to the Constitution (Scheduled Tribes) Order, 1950, as amended by section 20(1) read with Third Schedule of the State of Himachal Pradesh Act, 1970 (53 of 1970) and as it may further be amended from time to time;
- (h) “excise and taxation commissioner” means the Excise and Taxation Commissioner, Himachal Pradesh.

PART II—RECRUITMENT TO SERVICE

Character
of post.

3. The character (i.e. designation, etc.) of the various posts included in the service and their rates of pay shall be as indicated in Annexure to these rules:

Provided that nothing in these rules shall affect the inherent right of the Government to add to or reduce the number of such posts or create new posts with different designations and scales of pay whether permanently or temporarily.

Appointing
authority.

4. All appointments to posts in the service shall be made by the Excise and Taxation Commissioner, Himachal Pradesh, being Head of the Department.

5. (1) A candidate for appointment to any post in the service must be:—
- (a) a citizen of India, or
 - (b) a subject of Sikkim, or
 - (c) a subject of Nepal, or
 - (d) a person of Indian origin who has migrated from Pakistan with the intention of permanently settling in India:

Nationality
eligibility
and age etc.

Provided that if he belongs to category (c) or (d) he must be a person in whose favour a certificate of eligibility has been given by the Government of India:

Provided further that if he belongs to category (d), the certificate of eligibility will be valid only for a period of one year from the date of his appointment beyond which he can be retained in service only if he has become a citizen of India.

A candidate in whose case a certificate of eligibility is necessary, may be admitted to an examination or interview and he may also provisionally be appointed subject to the necessary certificate being given to him by the Government.

- (2) Unless he is already in Government service must produce;—
- (i) a certificate of good moral character from the Principal Academic Officer of his University, College, School or the head of his educational or technical institution last attended;
 - (ii) certificate of good moral character from two responsible persons, not being his relatives, who are well acquainted with him in private life and unconnected with his University, College, School or other educational or technical institutions;
 - (iii) a medical certificate as required by service rules as may be made applicable to the service by the Government from time to time;
 - (iv) a declaration to the effect that he has not more than one living wife.

Note.—No person who has more than one wife living or who having a spouse living, marries in any case in which such marriage is void by reason of its taking place during the life time of such spouse, shall be eligible for appointment to service;

- (v) in the case of female Government servant, a declaration to the effect that she has not married a person having already a living wife.

Note.—No women whose marriage is void by reason or the husband having a wife living at the time of such marriage or who has married a person who has a wife living at the time of such marriage, shall be eligible for appointment to service:

Provided that the Government may, if satisfied that there are special grounds for doing so, exempt any person from the operation of rules in clauses (iv) and (v) above.

- (3) The candidates must be within the age limits specified for each post in column (6) of Annexure I to these rules:

Provided that maximum age limits as prescribed may be relaxed in pursuance of instructions as may be force from time to time.

6. The educational and technical qualifications for appointment to various posts, shall be as specified in column (7) of Annexure I to these rules.

Educational
and techni-
cal quali-
fications.

7. Posts in the service shall be filled either by promotions or by transfer of a person already in the service or by direct recruitment, as specified in column (10) of Annexure I to these rules:

Method of
recruitment.

Provided that nothing contained in these rules shall affect reservations and other concessions required to be provided for scheduled castes and scheduled tribes and other special categories of persons in accordance with the orders issued by the Government from time to time.

Selection by departmental recruitment/promotion committee.

8. Offers of appointments shall be made strictly in accordance with the order in which the candidates are placed at the time of selection by the Departmental Recruitment Committee or Departmental Promotion Committee, as the case may be. The constitution of the Departmental Promotion Committee or the Departmental Recruitment Committee shall be as may be ordered by the Government from time to time.

PART III—CONDITIONS OF SERVICE

Probation of members of service.

9. (1) Members of the service who are appointed against permanent vacancies shall, on appointment to any post in the service, remain on probation for the period prescribed in column (9) of Annexure to these rules.

Explanation.—Approved officiating service shall be taken as a period spent on probation but no member who is officiating in any appointment shall, on the completion of the prescribed probationary period, be confirmed until he is appointed against a permanent vacancy.

(2) If the work or conduct of any member during his period of probation is, in the opinion of the appointing authority not satisfactory, the appointing authority may dispense with his service or revert him to his former post if he has been appointed to that post otherwise than by direct recruitment.

(3) On the completion of the period of probation by any member, the appointing authority prescribed in rule 4 may confirm such member in his appointment or if his work or conduct has, in the opinion of the appointing authority, not been satisfactory, may dispense with his service, or revert him to his former post if he has been appointed otherwise than by direct appointment or may extend the period of probation and thereafter pass such orders on the expiry of probation as it should have passed on the expiry of the first period of probation.

Scale of pay of the service.

10. The scales of pay of each class of the service shall be as mentioned in column (4) of Annexure to these rules subject to their revision from time to time.

Discipline.

11. In respect of discipline, punishment and appeals, the members of service shall be governed by the provisions of the Central Civil Services (Classification, Control and Appeals) Rules, 1965 and the Central Civil Services Conduct Rules, 1964 or such other rules as are framed/adopted by the Government from time to time.

Seniority of members of the service.

12. Persons appointed in a substantive or officiating capacity to a grade prior to the issue of these rules shall retain the relative seniority already assigned to them or such seniority as may hereafter be assigned to them under the existing orders applicable to their cases and shall *en bloc* be senior to all other in that grade.

Explanation.—For the purpose of these rules persons who are confirmed retrospectively with effect from a date earlier than the issue of these rules shall be considered to be permanent officers of the grade.

(2) Subject to the provisions of sub-rule (3) below, permanent officers of each grade shall be ranked senior to persons who are officiating in that grade.

(3) *Direct recruits*.—Notwithstanding the provisions of sub-rule (2) above, the relative seniority of all direct recruits shall be determined by the order of merit in which they are selected for such appointment on the recommendations of the selecting authority, persons appointed as a result of an earlier selection being senior to those appointed as a result of a subsequent selection:

Provided that where persons recruited initially on a temporary basis are confirmed subsequently in an order different from the order of merit indicated at the time of their appointment, seniority shall follow the order of confirmation and not the original order of merit:

Provided further that a person who does not join within the specified period shall lose his seniority in the select list and rank in the seniority list next to the person who joined earlier; and

Provided further that he shall not lose his seniority, if the fact of his joining later is caused by circumstances beyond his control and for the reasons to be recorded in writing and if the appointing authority is satisfied that this was so.

(4) *Promotees*.—(i) The relative seniority of persons promoted to the various grades shall be determined in the order of their selection for such promotions:

Provided that where persons promoted initially on temporary basis are confirmed subsequently in an order different from the order of merit indicated at the time of their promotion, seniority shall follow the order of confirmation and not the original order of merit.

(ii) Where promotions to a grade are made from more than one grade, the eligible persons shall be arranged in separate lists in the order of their relative seniority in their respective grades. Thereafter, the Departmental Promotion Committee shall select persons for promotion from each list upto the prescribed quota and arrange all the candidates selected from different list in a consolidated order of merit which will determine the seniority of the persons on promotion to the higher grade.

(5) *Relative seniority of direct recruits and promotees*.—The relative seniority of direct recruits and of promotees shall be determined according to the rotation of vacancies between direct recruits and promotees which shall be based on the quotas of vacancies reserved for direct recruitment and promotion respectively in the recruitment rules:

Provided that the relative seniority of persons appointed by transfer shall be determined in accordance with the order of their selection.

(6) *Explanatory memorandum*.—Where promotions are made on the basis of selection by a Departmental Promotion Committee the seniority of such promotees shall be in the order in which they are recommended for such promotion by the Committee. Where promotions are made on the basis of seniority subject to the rejection of the unfit, the seniority of persons considered fit for promotion at the same time shall be the same as the relative seniority in the lower grade from which they are promoted. Where, however, a person is considered as unfit for promotion and is superseded by a junior, such person shall not, if he is subsequently found suitable and promoted, take seniority in the higher grade over the junior persons who superseded him.

(7) Direct recruit shall be ranked in seniority below the promotees. If for any reasons, a direct recruit or promotee ceases to hold the

appointment in the grade, the seniority shall not be re-arranged merely for the purpose or ensuring the proportion referred to above.

Leave, Pension and other condition of Service.

13. In respect of leave, pension and other cognate matters not specifically mentioned in these rules, the members of the service shall be governed by such rules and orders in force from time to time.

Training and Examination etc.

14. The members of the service shall qualify such examinations or undergo such training as may be prescribed by the Government from time to time for any class of posts.

Power to relax the rules.

15. Where the Government is of the opinion, that it is necessary or expedient to do so, it may, by order, for reasons to be recorded in writing relax any of the provisions of these rules with respect of any class or category of persons.

Interpretation.

16. If any question arises relating to the interpretation of these rules, it shall be referred to the Government whose decision thereon shall be final.

Repeal and Savings.

17. The rules promulgated with the Himachal Pradesh, Excise and Taxation Department Notification No. Ex. 9-1/59, dated the 5th February, 1963, are hereby repealed:

Provided that such repeal shall not affect the previous operation of the said rules or anything done or any action taken thereunder.

By order,
P. K. MATTOO,
Secretary.

ANNEXURE

RECRUITMENT RULES FOR CLASS III (MINISTERIAL) POSTS OF ASSISTANTS, HEAD CLERKS, ACCOUNTANT, SENIOR SCALE STENOGRAPHER, JUNIOR SCALE STENOGRAPHER, CAMP CLERKS AND CLERKS IN THE EXCISE AND TAXATION DEPARTMENT

Name of post	No. of posts	Classification	Scale of pay	Whether selection post or non-selection post	Age for direct recruits	Educational and other qualifications required for direct recruits
1	2	3	4	5	6	7
1. Assistants	12	Class III (Ministerial)	Rs. 160-10-280/15-400.	Non-selection.	27 years and below (relaxable for scheduled castes/tribes, ex-service men and other special categories to the extent permissible under Government instructions).	<i>Essential</i> —Graduate of a recognised University. <i>Desirable</i> .— —
2. Head Clerks	10	-do-	-do-	-do-	-do-	<i>Essential</i> —Graduate of a recognised University. <i>Desirable</i> .— —
3. Accountant	1	-do-	-do-	-do-	-do-	<i>Essential</i> —Graduate of a recognised University. <i>Desirable</i> .— —
4. Senior Scale Stenographer.	1	-do-	-do-	-do-	-do-	<i>Essential</i> .— (i) Graduate of a recognised University.

1	2	3	4	5	6	7
						(ii) Minimum speed of 40 words and 100 words per minute respectively in typewriting and shorthand.
						<i>Desirable.</i> — —
5. Junior Scale Stenographer.	1	Class III (Ministerial)	Rs. 140-6-170/8-210/10-300.	Non-selection	27 years and below (relaxable for scheduled castes/tribes, ex-service men and other special categories to the extent permissible under Government instructions).	<i>Essential.</i> — (i) Matriculation or equivalent standard of a recognised University or Board of Education. (ii) Minimum speed of 30 words and 80 words per minute respectively in typewriting and shorthand.
						<i>Desirable.</i> — —
6. Camp Clerks	5	-do-	Rs. 110-4-130/5-180/6-210/8-250 plus Rs. 25 special pay.	-do-	-do-	<i>Essential.</i> — (i) Matriculation or equivalent standard of a recognised University or Board of Education.

7. Clerks

90 Class III Rs. 110-4-130/ Non-
(Ministerial). 5-180/6-210/8- selection.
250.

Minimum 18 years maximum 27 years (relaxable for scheduled castes/tribes, *ex-servicemen* and other special categories to the extent permissible under Government instructions).

(ii) Minimum speed of 30 words per minute in typewriting.

(iii) knowledge of shorthand to the satisfaction of the Excise and Taxation Commissioner so as to take notes and discharge the duties of a Camp Clerk.

Desirable.—

Essential.—

(i) Matriculation or equivalent standard of a recognised University or Board of Education.

(ii) Minimum speed of 30 words per minute in typewriting.

Desirable.—

Whether age and educational qualifications prescribed for direct recruits will apply in the case of promotees	Period of probation if any	Method of recruitment whether by direct recruitment or by promotion/deputation transfer and percentage of the vacancies to be filled by various methods	In case of recruitment by promotion/deputation/transfer grades from which promotion/deputation/transfer to be made.	Composition of Departmental Promotion committee	Circumstances in which H.P. Public Service Commission is to be consulted in making recruitments
8	9	10	11	12	13
No	Two years; provided that the period may be extended by competent authority after recording reasons.	By promotion or by transfer of a person already in the service of the Government of India or State Government or Union territories or by direct recruitment.	Promotion from Clerks, Camp Clerks with atleast five years service in the grade.	As may be constituted by the Government.	Not required
-do-	-do-	-do-	-do-	-do-	-do-
-do-	-do-	-do-	-do-	-do-	-do-
-do-	-do-	By promotion failing which by transfer of a person already in the service of	Promotion from junior scale stenographer with at least 5 years service	-do-	-do-

the Government of India or State Governments or Union territories or by direct recruitment.

in the grade.

Yes	-do-	-do-	Promotion from Camp Clerks with at least two years service in the grade.	-do-	-do-
-do-	-do-	By promotion failing which by direct recruitment.	Promotion from Clerks knowing shorthand and typewriting.	-do-	-do-
-do-	-do-	By promotion or by transfer of a person already in the service of the Government of India, State Government and Union territories or by direct recruitment.	Promotion from Class IV employees subject to the passing of examination/ test as may be prescribed.	-do-	As required under the law.
		By promotion	=10%.		
		By transfer and by direct recruitment.	=90%.		

